



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Alexander Rony
MuckRock News
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Somerville, MA 02144
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Re: Appeal No. DOJ-AP-2019-004293
Request No. DOJ-2017-004276
CDT:RCS

VIA: Email

Dear Alexander Rony:

You appealed from the action of the Initial Request Staff (IR Staff) of the Office of Information Policy, acting on behalf of the Office of the Attorney General, on records referred to it by the Justice Management Division (JMD) pursuant to your Freedom of Information Act request for access to records concerning ethics and recusal issues concerning former Attorney General Jeff Sessions. I note that your appeal concerns the withholdings made by the IR Staff, as well as the adequacy of JMD's search.

After carefully considering your appeal, I am affirming the IR Staff's action on your request. The FOIA provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. The IR Staff properly withheld certain information because it is protected from disclosure under the FOIA pursuant to 5 U.S.C. § 552(b)(5) and it is reasonably foreseeable that disclosure of this information would harm the interests protected by this provision. This provision concerns certain inter- and intra-agency records protected by the deliberative process privilege.

As to your appeal concerning the adequacy of JMD's search for responsive records subject to the FOIA, I have determined that JMD's response was correct and that it conducted an adequate, reasonable search for such records.

With regard to your allegation that the IR Staff improperly invoked a FOIA exclusion to withhold records from you, although the Department of Justice can neither confirm nor deny that an exclusion was employed in any particular case, see Attorney General's Memorandum on the 1986 Amendments to the Freedom of Information Act 27 (Dec. 1987), I have carefully considered your allegation and have found this claim to be without merit. Please be advised that this response should not be taken as an indication that an exclusion was or was not used in response to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the IR Staff and JMD in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/26/2019

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: SEAN O'NEILL